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Panama Canal Ship Tolls.

The action of the British government in entering a protest against the proposal made in the United States Senate to exempt ships engaged in our coastwise trade from the payment of tolls for passage through the Panama Canal when opened is raising a controversy of unusual significance. If the efforts which certain Senators are making to prevent the proposed legislation, and thus to arrest the development of the controversy, are not successful, then the question will ultimately have to go to the Hague Court for determination. Our arbitration treaty of 1908 with Great Britain stipulates that all differences in regard to the interpretation of treaties shall be referred to the Hague Court.

In the Hay-Pauncefote treaty of 1902 it was stipulated that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that

there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

The action of the British government in raising objection to certain particulars of the proposed legislation was taken on the ground that this legislation would be inconsistent with the article of the Hay-Pauncefote treaty above quoted. Sir Edward Grey, the foreign secretary, in reply to a question in the House of Commons on July 16, said that His Majesty's government "had thought it right to point out these objections to the Government of the United States in order that they may be taken into account while the bill is under consideration." There is no ground, it seems to us, for the charge that Great Britain is meddling with what is not her business and attempting to dictate what the canal legislation shall be. The British government is interested to have the terms of the treaty with her government observed, as our Government would be if the circumstances were reversed.

Two views are taken in the Senate as to the action of the British government in the matter. One is that legislation in regard to the use of the Panama Canal is purely a national affair, and that Great Britain has no right whatever to intervene or make any suggestion about it. The Senators who hold this view contend that as the canal strip is held by this country in perpetual lease the territory is, therefore, substantially a part of our national domain, over which no foreign government has any power whatever. They hold, further, that as the canal is being constructed solely by United States money, all agreements previously made when it was supposed that it would be constructed by private funds or otherwise are, therefore, necessarily rendered void. This view treats the treaty with Great Britain in regard to tolls for the use of the canal as if it were not in existence.

The other view, which is taken by a number of the ablest men in the Senate, is that the Hay-Pauncefote treaty is a sacred obligation to be strictly observed so long as it is on the statute books and a part, with other treaties, of the supreme law of the land. This view seems to us to be the only rational one that can be held under the circumstances. If a nation may violate at will solemn treaties there is an end of good faith and honor among nations. If Congress intends to push through legislation which will exempt our coastwise ships from paying canal tolls, the only way in which it can save itself and the nation from outright dishonor in doing this is by first seeking the